

**REMARKS**

Reconsideration and allowance of this application are respectfully requested.

Claims 9-22 remain pending where claims 1-8 were previously cancelled. By this communication, claims 9-22 are amended.

In numbered paragraph 1 on page 2 of the Office Action, the PTO objected to claims 1-22 because of alleged informalities. Applicant has amended claims 9-22 for clarity in an effort to address the Examiner's concerns.

Applicant's claim 1 is objected to for reciting, in part, an inverter which converts a first type of dc power to a second type of dc power. Applicant respectfully submits, however, that claims 1-8 were previously cancelled such that they were not pending upon the issuance of this Office Action. Thus, the objection to claim 1 will be addressed with respect to claim 9. In the objection, the PTO contends that claim 9 does not recite the proper function of an inverter. Applicant disagrees and reminds the PTO that US patent practice allows an applicant to be his own lexicographer. Particularly, an applicant can define in the claims what he regards as his invention in essentially whatever term he chooses so long as the meaning assigned to a term is clearly set forth in the specification. See MPEP §§2111.01 and 2173.01. In this instance, Applicant's disclosure consistently describes an inverter as converting one type of dc power to another type of dc power. Thus, in the context of this application the function of the inverter is properly defined in the disclosure and recited in the claims. For this reason, Applicant respectfully submits that claim 9 is proper and withdrawal of this rejection and those of claims 10-22 is respectfully requested.

In numbered paragraph 4 beginning on page 3 of the Office Action, claims 9-22 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Nomura*

(U.S. Patent No. 6,388,904) in view of *Tanaka* (U.S. Patent No. 5,703,415).

Applicant respectfully traverses this rejection.

The PTO alleges that *Nomura* discloses every element recited in Applicant's claims except for a power-outputting unit. The PTO relies on *Tanaka* in an effort to remedy this deficiency. Upon careful analysis, however, Applicant respectfully submit that the combination of *Nomura* and *Tanaka* fails to establish a *prima facie* case of obviousness with respect to Applicant's claims.

As stated previously, *Nomura* is directed to a power supply device that includes H-type inverter bridges 58 and 59 that are connected in serial to a first dc voltage. Rectifier circuits 68, 69 receive the output of the H-type inverter bridges 58, 59 via a pair of insulating transformers 31, 32. A smoothing circuit 7 receives the output from the rectifying circuit 68, 69 and generates a second dc voltage. *Nomura* discloses that the combination of the H-type inverter bridges 58, 59, the insulating transformers 31, 32, and the rectifying circuit 68, 69 control the high voltage state of the first dc voltage to obtain a constant dc voltage suited for a three-phase ac voltage 13 generated by three-phase inverter 9.

The PTO relies on *Tanaka* to remedy the acknowledged deficiencies of *Nomura* with respect to Applicant's claimed power outputting unit. *Tanaka*, however, while describing a power supply circuit having butt-jointed diodes in reference to the prior art, teaches away from using this particular design. Most notably, *Tanaka* discloses that the power supply circuit is defective in that both the first and second power sources serve to supply power to the same system in that the voltage supplied to the system is reduced because of the forward voltage drop of a diode, and in that the voltage available from a power source is reduced by a value of the

diode voltage drop. A second defect in the commission of power supply circuit is that these systems must always be designed with consideration of the voltage drops. See Figure 1 and col. 1, lines 55-45.

As a result, even if one of ordinary skill would have looked to *Tanaka* in an effort to remedy the deficiencies of *Nomura*, Applicant questions whether the power supply circuit described by *Tanaka* would have been reasonably integrated into the design of *Nomura* given the disclosed defects. The rationale for combining these references is seemingly outweighed by the noting of the inherent defects of the design. For at least these reasons, *Tanaka* fails to remedy the deficiencies of *Nomura* with respect to Applicant's claims.

The Office is reminded that the Office has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added). Based on the discussion above, the rejection of independent claim 9 and its corresponding dependent claims should be withdrawn.

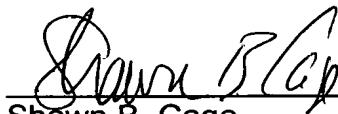
Based on at least the foregoing remarks, Applicant submits that claims 9-22 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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